

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

UNITED STATES OF AMERICA

v.

NO. 5:23-CR-100-Z

DANIEL RAY GARCIA (01)

FACTUAL RESUME

In support of Daniel Ray Garcia's plea of guilty to the offense in Count Two of the indictment, Garcia, the defendant, representing himself, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count Two of the indictment, charging a violation of 18 U.S.C. § 876(c), that is, Mailing a Threatening Communication to a United States Judge, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly deposited in the mail or caused to be delivered through the mails a communication containing a threat;
- Second.* That the nature of the threat was to injure any person;
- Third.* The defendant intended to communicate a threat or acted with a conscious disregard that the communication would be viewed as a threat; and
- Fourth.* That the defendant made the threat against a United States Judge.

¹ Fifth Circuit Pattern Jury Instruction 2.95A (5th Cir. 2019 ed.).

STIPULATED FACTS

1. Garcia admits and agrees that on or about July 12, 2023, he knowingly mailed a letter, dated July 9, 2023 containing threats to Victim-1, a United States Judge. The letter, written by Garcia and addressed to Victim-1 in his capacity as a United States Judge, contained a threat to injure and kill Victim-1. Garcia deposited the letter into the U.S. mail from the state prison facility in which Garcia was incarcerated in Midway, Texas. In so doing, Garcia caused the letter to be delivered to the chambers of the United States Judge in Lubbock, Texas, which is within the Northern District of Texas.

2. In the letter, Garcia made multiple threats, including telling Victim-1 “I will have you killed!” and “here [is] something to make you sneeze!” Garcia demanded that Victim-1 take certain actions in a case involving Garcia.

3. Garcia admits that he understood the threatening nature of the letter and intended to communicate a threat.

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4. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count Two of the indictment.

AGREED TO AND STIPULATED on this 27th day of August, 2024.




Daniel Ray Garcia
Defendant (pro se)

LEIGHA SIMONTON
UNITED STATES ATTORNEY



MATTHEW WEYBRECHT
Assistant United States Attorney
State Bar of Texas No. 24102642
801 Cherry St. Unit #4
Fort Worth, Texas 76102
Telephone: 817-252-5200
Fax: 817-252-5455
matthew.veybrecht@usdoj.gov



for TIFFANY EGGERS
Criminal Chief